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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,397	12/17/2004	Silverio De Marchi	26441U	8105

20529 7590 11/21/2005

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EXAMINER

KANG, JULIANA K

ART UNIT	PAPER NUMBER
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2874

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/518,397

Applicant(s)

DE MARCHI, SILVERIO

Examiner

Juliana K. Kang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 14 is/are rejected.
- 7) ☒ Claim(s) 11-13 and 15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/17/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claims 1-15 are objected to because of the following informalities:

Claims 1 recites the limitation "the end (22 of the optical waveguide stub (21) that is to be welded lying in the pivoting region of the cladding part." The term "the pivoting region of the cladding part" makes the claim vague because it is not clear to the Examiner what the pivoting region is referring. It appears that the entire cladding part is pivoted at the joint. Thus if the applicant's intention is to claim the entire region of the cladding and not the joint part of the cladding please use the same term so that it is clear what applicant is claiming.

Claim 2 recites "a cladding part" in line 7. Since the cladding part is already recited in claim 1, it needs to be correct to "the cladding part."

Claim 2 also recites "a pivotable cladding part" since this limitation is already recited in claim 1, it needs to be cored to "the pivotable cladding part."

Claim 6 recites "neighboring shell parts (10, 10') have on their contacting surfaces (11) projections and clearances which engage in one another, in particular lugs (12) and lug openings (13)." The term "neighboring shell parts" makes the claim confusing. Please use the same terms for the same elements. For example in claim 2 the reference numbers are referred as "shell parts" not "neighboring shell parts."

Claim 11 appears to have a typographical error (two dots) in line 2.

Appropriate corrections or clear explanations are required.

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Claims 3-5, 7-10 and 12-15 are objected as being dependent on objected claims and therefore contain the same deficiencies as the claims they are dependent upon.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barlow et al (U.S. Patent 4,946,249) and further in view of Harman et al (U.S. Patent 5,717,813).

4. Barlow et al disclose an optical splicing assembly comprising; two optical fiber fibers (10, 20) extending over a longitudinal center axis, a sleeve-like fiber holder having two shell parts (40, cladding part) that are separable and made of plastic (see column 3 line 16), receiving sections (both ends of the holder), a protective sleeves comprising two sleeve shells (42), lugs (latches, 56) and lug openings (slots, 58). Barlow et al further disclose that the protective sleeves are elastic means (see column 4 line 22) and shows concavely curved protective shells (see Fig. 6). However, Barlow et al do not teach a connector-plug pin and also do not teach the cladding part that can be pivoted. Using a connector-plug pin in Barlow et al would have been obvious to one having ordinary skill in the art to connect the fiber to other optical or optoelectronic modules with easier, faster and precise manner. Harman et al teach a fusion splicing assembly

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with both a hinged sleeve (see Fig. 1) and a sleeve made of two separate parts (see Fig. 4). Two separate parts of Barlow et al can be lost when they are separated (opened) to splice the fibers and using a hinged sleeve would not have this problem. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a hinged cladding part in Barlow et al as taught by Harman et al to make the device easier to handle. Barlow et al also do not teach using an adhesive material. Using an adhesive material in the art is well know to hole the fiber in place so that fiber does not move around. Thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to use an adhesive material in Barlow et al to hold the fiber within the protective sleeve with better alignment.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barlow et al (U.S. Patent 4,946,249) and Harman et al (U.S. Patent 5,717,813) and further in view of Destanque et al (U.S. Patent 6,412,640 B1).

6. As described above Barlow et al and Harman et al teach the claimed invention except the hinge that is a film hinge. Destanque et al teach a film hinge has the advantage of being simple and inexpensive to produce. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a film hinge in Barlow et al and Harman et al to reduce manufacturing cost.

Allowable Subject Matter

7. Claims 11-13 and 15 would be allowable if rewritten to overcome the objection(s) under set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art documents submitted by applicant have been considered and made of record (note the attached copy of form PTO-1449).

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Essert et al (U.S. Patent 5,367,594) teach fiber optic splicer-connector. Rifkin et al (U.S. Patent 5,894,536) teach protecting the spliced region with a rigid plastic housing comprising two halves that fold along a hinge (see column 2 lines 25-26). Loch (U.S. Patent 5,546,491) teaches an optical fiber splicing assembly. Liberty et al (U.S. Patent 6,443,633 B1) teach optical device package comprising protective shells.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juliana K. Kang whose telephone number is (571) 272-2348. The examiner can normally be reached on Mon. & Fri. 10:00-6:00 and Tue. & Thru. 10:00-3:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rod Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JULIANA KANG
PRIMARY EXAMINER

Juliana Kang
11/17/05